

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
and JEFFREY G. McGONEGAL,
BARRY HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON,
MARK GROUSSMAN, ANDREW
KAPLAN, MIKE DAI, JASON LES,
and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293 (FLW)(ZNQ)

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
STRIKE DECLARATION OF
JOSEPH J. DEPALMA,
INCLUDING ALL EXHIBITS
ATTACHED THERETO, IN
SUPPORT OF LEAD
PLAINTIFF'S OMNIBUS
OPPOSITION TO MOTIONS TO
DISMISS**

Defendants Riot Blockchain, Inc., John O'Rourke, Michael Beeghley, Jeffrey G. McGonegal, Andrew Kaplan, Jason Les, and Eric So's Motion to Strike (the "Motion") the Declaration of Joseph J. DePalma, including All Exhibits Attached Thereto, In Support of Lead Plaintiff's Omnibus Opposition to Motions to Dismiss (Dkt. No. 136-1) (the "DePalma Declaration") was heard on November 18, 2019 in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED in its entirety.
2. Paragraphs 1 through 3 of the DePalma Declaration are stricken from the record.
3. Exhibits 1 through 47 of the DePalma Declaration are stricken from the record.

IT IS SO ORDERED.

Dated: _____

Hon. Freda L. Wolfson